

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 1:02cr00413-004
)	
Plaintiff,)	JUDGE: JAMES S. GWIN
)	
vs.)	ORDER
)	
JUAN CARLO GUTIERREZ,)	
)	
Defendant.)	

This matter was heard on September 1, 2011, upon the request of the United States Pretrial and Probation Office for a finding that defendant violated the conditions of his supervised release. The defendant was present and represented by Attorney Carolyn Kucharski.

The violation report was referred to United States Magistrate Judge Nancy Vecchiarelli to conduct appropriate proceedings and for the issuance of a Report and Recommendation which was filed on August 17, 2011. No objections were filed by either plaintiff or defendant.

The Report and Recommendation noted that defendant knowingly and voluntarily admitted to the violations in the November 19, 2008, violation report as well as the August 12, 2011, supplemental information report, that both counsel agreed the violations were a Grade C, that the defendant's Criminal History was a Category I and the Advisory Guideline Range was 12 to 18 months.

This Court adopted the Report and Recommendation and found that the following terms of supervision had been violated::

- 1) new law violation (plea of guilty to Kidnaping);
- 2) unauthorized reentry.

The Court considered the sentencing purposes reflected in Sec. 3553 and defendant was committed to the Bureau of Prisons for a period of 12 months and 1 day and granted credit for time served in federal custody. Upon release from incarceration defendant's term of supervised release shall terminate and there will be no further supervision.

The defendant was remanded to the custody of the U.S. Marshal, Cleveland, Ohio.

Dated: September 2, 2011

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE